

REMARKS

The Applicant does not believe that consideration of the foregoing response will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the response contained herein be entered and that the claims to the present application, kindly, be reconsidered.

The Final Office Action dated June 3, 2004 has been received and considered by the Applicant. Claims 1-15 are pending in the present application for invention. Claims 1-5, 7-11, and 13-15 stand rejected and Claims 6 and 12 are allowed by the Final Office Action dated June 3, 2004.

The Final Office Action rejects Claims 1, 3-5, 7-11, 13, and 14-15 under the provisions of 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 4,561,082 issued to Gerard, et al. (hereinafter referred to as Gerard et al.).

Regarding Claim 1, the Examiner states that Gerard et al. disclose all the elements of the recited elements of rejected Claim 1 including the sample signal causing the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. The Examiner cites: column 8, line 41-column 9, line 27; column 11, lines 29-63; as well as Figures 2, 3, 4 and 5 for support of the assertion that Gerard et al. disclose the sample signal causes the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time (emphasis added). The Applicant, respectfully, points out that none of the cited sections column 8, line 41-column 9, line 27; column 11, lines 29-63; nor any of Figures 2, 3, 4 and 5 disclose, or suggest, the sample signal causing the measurement signal to be sampled within a predetermined period of time. The Applicant requests that the Examiner point out any specific reference numeral within Gerard et al. that performs causes the measurement signal to be sampled within a predetermined period of time. As stated in the MPEP 2131 a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegual Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 987). As discussed above, there is not a single portion within Gerard et al. teaching or suggesting that the measurement signal is to be sampled within a predetermined period of time, therefore, Gerard et al. can not anticipate rejected Claim 1 to the present invention. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 3, the Examiner again asserts that Gerard et al. disclose all the elements of rejected Claim 3 including a signal generation system adapted to produce a sample signal causing the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. The recitation used by the Examiner in this rejection is expanded to include: column 1, lines 9-15 and lines 36-43; column 2, lines 39-56; column 3, lines 24-46; column 7, lines 8-16; as well as column 8, line 41-column 9, line 27; column 11, lines 29-63 used in the rejection of Claim 1. In addition, the Examiner cites Figures 1, 6, 9, 10 as well as Figures 2, 3, 4 and 5 that were cited in the rejection to Claim 1 to support the contention that Gerard et al. disclose that the sample signal causes the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. As discussed above, the Applicant, respectfully, points out that none of the cited sections of within Gerard et al. disclose or suggest that the sample signal can cause the measurement signal to be sampled within a predetermined period of time. disclose, or suggest, the sample signal causing the measurement signal to be sampled within a predetermined period of time. None of the addition sections or Figures cited by the Examiner in the rejection to Claim 3 teaches causing the measurement signal to be sampled within a predetermined period of time. The Applicant again requests that the Examiner point out the specific element within Gerard et al. that is capable of causing the measurement signal to be sampled within a predetermined period of time. Therefore, this rejection is, respectfully, traversed.

Regarding Claim 9, the Examiner states that Gerard et al. disclose all the elements of the recited elements of rejected Claim 9 including the signal generating system being adapted to produce a sample signal to control sampling of the measurement signal either at locations having mutually the same intensity level or within a predetermined period of time. The recitation used by the Examiner in this rejection includes: column 1, lines 9-15 and lines 36-43; column 2, lines 39-56; column 3, lines 24-46; column 7, lines 8-16; column 8, line 41-column 9, line 27; column 11, lines 29-63; and Figures 1, 2, 3, 4, 5, 6, 9, and 10 in support the contention that Gerard et al. disclose that the sample signal causes the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. The Applicant, respectfully, asserts that Gerard et al. does not teach, or suggest, that the sample signal can cause the measurement signal to be sampled within a predetermined period of

time. Gerard et al. has been reviewed in its' entirety and there is no mention of the sample signal being capable of causing the measurement signal to be sampled within a predetermined period of time, nor is there any motivation provided by Gerard et al. that would lead a person skilled within the art to believe that any benefit would be gained from causing the measurement signal to be sampled within a predetermined period of time. The Applicant again requests that the Examiner point out the specific element within Gerard et al. that is capable of causing the measurement signal to be sampled within a predetermined period of time. Therefore, this rejection is, respectfully, traversed.

Regarding Claims 4 and 10, the Examiner states that Gerard et al. disclose wherein the intensity of the scanning spot is an indicator of the location of the scanning spot with respect to the patterns provided in the information carrier at column 1, lines 9-15, lines 36-43; column 2, lines 39-56; column 3, lines 24-46; column 8, line 41-column 9, line 27; column 11, lines 29-63; and figures 1,2, 3, 4, 5, 6, 9, and 10. The Applicant's position is that Claims 4 and 10, respectively, depend from claims 3 and 9 that as discussed above are believed to be allowable. Therefore, claims 4 and 10 which further narrow and define Claims 3 and 9 are also believed to be allowable.

Regarding Claims 5 and 11, the Examiner states that Gerard et al. disclose wherein the sample signal causes the measurement signal to be sampled an instances when the intensity is comparatively high and a periodic clock signal is received by the signal generation system at column 1, lines 9-15, lines 36-43; column to lines 39-56; column 3, lines 24-46; column 7, lines 8-16; column 8, line 41-column 9, line 27; column 11, lines 29-63; and figures 1,2, 3, 4, 5, 6, 9, and 10. The Applicant's position is that Claims 5 and 11, respectively, depend from claims 3 and 9 that as discussed above are believed to be allowable. Therefore, claims 5 and 11 which further narrow and define Claims 3 and 9 are also believed to be allowable.

Regarding Claims 7 and 13, the Examiner states that Gerard et al. disclose the read system being adapted to operate two operational modes. The Applicants, respectfully, submits that Claims 7 and 13 depend from and further define Claims 3 and 9 which as discussed above are believed to be allowable, therefore, Claims 7 and 13 are also believed to be allowable.

Regarding Claim 8, the Examiner states that Gerard et al. disclose that the read system further comprising system for generating a logic signal that indicates information is recorded on the information carrier in the form of differences in level of a surface of the

information carrier. The Applicant's position is that Claim 8 depends from and further narrows and defines Claim 3, which as discussed above is believed to be allowable. Therefore, Claim 8 is also believed to be allowable.

Regarding Claim 14, the Examiner states that Gerard et al. disclose that the sampling of the measurement signal when the intensity is comparatively high results in a reduction of the radial to vertical crosstalk at column 8, lines 41-column 9, line 27; and column 11, lines 29-63. The Applicant would like to, respectfully, point out that these cited sections of Gerard et al. make no mention of radial to vertical crosstalk. Furthermore, there is no disclosure within Gerard et al. for comparatively high intensity resulting in a reduction in radial to vertical crosstalk. Moreover, there is no discussion within Gerard et al. for crosstalk in general. Therefore, this rejection is, respectfully, diverse.

Regarding Claim 15, the Examiner states that Gerard et al. disclose all the elements of the recited elements of rejected Claim 9 including the signal generating system being adapted to produce a sample signal to control sampling of the measurement signal either at locations having mutually the same intensity level or within a predetermined period of time. The recitation used by the Examiner in this rejection includes: column 1, lines 9-15 and lines 36-43; column 2, lines 39-56; column 3, lines 24-46; column 7, lines 8-16; column 8, line 41-column 9, line 27; column 11, lines 29-63; and Figures 1, 2, 3, 4, 5, 6, 9, and 10 in support the contention that Gerard et al. disclose that the sample signal causes the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. The Applicant, respectfully, asserts that Gerard et al. does not teach, or suggest, that the sample signal can cause the measurement signal to be sampled within a predetermined period of time. Gerard et al. has been reviewed in its' entirety and there is no mention of the sample signal being capable of causing the measurement signal to be sampled within a predetermined period of time, nor is there any motivation provided by Gerard et al. that would lead a person skilled within the art to believe that any benefit would be gained from causing the measurement signal to be sampled within a predetermined period of time. The Applicant again requests that the Examiner point out the specific element within Gerard et al. that is capable of causing the measurement signal to be sampled within a predetermined period of time. Therefore, this rejection is, respectfully, traversed.

The Final Office Action rejects Claim 2 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Gerard et al. in view of U.S. Patent No. 5,636,197 issued to Tateishi (hereinafter referred to as Tateishi). The Examiner states that Gerard et al. disclose all the elements recite by the rejected claims except Claim 2.

The Final Office Action states that column 3, lines 22-46 of Tateishi disclose measuring the time during which the measurement signal is held and means for causing the measurement signal to be sampled when the time exceeds a predetermined value. The Applicant, respectfully, disagrees with this assertion contained within the Final Office Action. Tateishi teaches preventing the provision of a sampling pulse for a given time duration. Tateishi discloses that a sample pulse will not be generated if a predetermined time period has not yet expired (see column 3, lines 37-39 of Tateishi). Tateishi teaches the disabling of sampling pulses not the automatic generation of a sampling pulse after predetermined time periods.

In the Response to Applicant's Arguments, the Examiner asserts that the teaching of Tateishi for not allowing a sampling signal until after the expiration of a predetermined time period is equivalent to the recitation within rejected Claim 4 of sampling once a time period is exceeded. The Applicant would like to point out that the Examiner is attempting to equate opposites. No reasonable interpretation of causing an event to occur after a predetermined time period can be read as being equivalent to preventing the event from occurring for a predetermined time period. This fact is clearly evident in the detailed Description of Tateishi on column 5, lines 16-30. The entire premise of the time duration as taught by Tateishi is to prevent sampling pulses when the run length is shorter than a predetermined time length. This premise of Tateishi is also clearly evident in column 6, lines 40-64 and specifically stated in the Abstract. Moreover, Claim 2 depends from Claim 1, and in Claim 1 the sampling signal is stated specifically occur within a predetermined time period. The entire premise of the time duration as taught by Tateishi is to prevent sampling pulses for at least a predetermined time period which the opposite of the subject matter defined by rejected Claim 2. Therefore, this rejection is, respectfully, traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

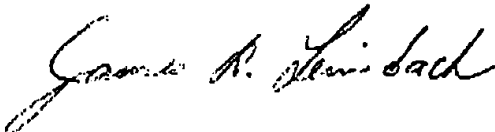
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